IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2967 OF 2007

Prabhuram Babutram Chaudhari. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

A.M.Saraogi i/b. A.S.Rajadhyaksha
for the applicant.

Rajesh More, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 14th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.207/2007 registered with Kurar Police Station, Mumbai for the offences punishable under sections 376, 342, 506(II) of Indian Penal Code.

3. The alleged incident, according to the F.I.R., took place on 19th July, 2007. The F.I.R. was lodged on 30th July, 2007, i.e. after 12 days from the date of incident. The applicant came to be arrested and placed into judicial custody. The delay in filing F.I.R. has resulted in depriving prosecution to collect any evidence.

4. The applicant and the prosecutrix both are married. There is no witness to the incident, therefore, possibility of influencing witnesses does not arise. The applicant submits that husband of prosecutrix had borrowed some money and, in order to avoid repayment, the allegations are made against him and he is falsely implicated in the offence alleged. Because of delay in filing F.I.R. prosecution also could not collect any evidence against the applicant. There is no other material available on record. As on date it is a case of no evidence except belated statement of prosecutrix. In these circumstances of the case, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with CR.No.207/2007 registered with Kurar Police Station, Mumbai shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the

investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall shall not in any manner tamper with prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE